

EXTERNAL (for general distribution)

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Death Penalty/Legal Concern

24 July 1991

MALAYSIA:

Atari Pawael (Filipino)
Radja Sappayani (Filipino)
Mario Eppa (Filipino)
Jul Alih (Filipino)
Abdul Rizal Cesar (Filipino)

Hassim Hj Escandar (Filipino)
Antoni Julkani (Filipino)
Khairulla Khan (Pakistani)
Shorin Khan (Pakistani)
Kullah Lawari (Filipino)
Edjing Abdullah (Filipino)
Antoni Najali (Filipino)
Assiddin Itting (Filipino)
Rudi Jamjali (Filipino)
Talib Sahijuan (Filipino)

The fifteen people above have all been sentenced to death for drug offences allegedly committed in the state of Sabah. The first five are awaiting an appeal for clemency to the Head of State of Sabah, and the other ten have appealed for a re-hearing in the Supreme Court. Amnesty International is seriously concerned that the fifteen have been sentenced to death in trials which may have fallen short of international standards. The fifteen were allegedly tortured and forced to sign statements written in Malay, which they were unable to read and understand. They were disadvantaged by language difficulties during the trials and have been denied contact with their respective embassies.

BACKGROUND INFORMATION

The death penalty is mandatory for drug trafficking in Malaysia, under a 1983 Amendment to the Dangerous Drugs Act of 1952. Trafficking is presumed if a person is found in possession of 15 grammes or more of heroin or morphine, 1000 grammes or more of opium or 200 grammes or more of cannabis. The Deputy Home Minister, Datuk Megat Junid Megat Ayub, was reported to have said, on 20 June 1991, that Malaysia has sentenced 385 people to death for drug trafficking since 1983 and has hanged 126 of them.

RECOMMENDED ACTION: Telegrams/telexes/faxes and airmail letters:

- stating Resolution 1984/50 on safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the United Nations ECOSOC on 25 May 1984: (5) "Capital punishment may only be carried out pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial,...";
- expressing grave concern at allegations that the fifteen suffered torture and ill-treatment;
- urging a full investigation into the trials and treatment of these fifteen and an immediate stay of execution;
- stating Amnesty International's unconditional opposition to the death

penalty.

APPEALS TO:

The Head of State of Sabah
[Salutation: Your Excellency]
 Istana
 Kota Kinabalu
 Sabah
 MALAYSIA

Telegrams: Head of State, Kota Kinabalu, Sabah, Malaysia
Telexes: 80948 DEWAN MA

Datuk Joseph Pairin Kitingan
[Salutation: Your Excellency]
 Chief Minister of Sabah State
 Office of the Chief Minister
 Kota Kinabalu
 Sabah
 MALAYSIA

**Telegrams: Chief Minister, Kota Kinabalu, Sabah,
 Malaysia**

YB Datuk Syed Hamid bin Syed Jaafar Albar
[Salutation: Your Excellency]
 Minister of Justice
 Ministry of Justice
 21st Floor
 Bangunan Kuwasa
 Jalan Raja Laut
 50506 Kuala Lumpur
 MALAYSIA

Telegrams: Justice Minister, Kuala Lumpur, Malaysia
Telexes: 33548 HAKIM MA
Faxes: + 329 34754

COPIES TO:

diplomatic representatives of Malaysia, Philippines and Pakistan in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 September 1991.